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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,790	07/23/2003	William B. Buzbee	10971491-3	9002

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SEYE, ABDOU K

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/625,790

Applicant(s)

BUZBEE ET AL.

Examiner

Abdou Karim Seye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/23/2003.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. This is the initial office action based on the application filed on July 23, 2003. Claims 1-12 and 15-29 are currently pending and have been considered below.

Claim Objections

2. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 6 consists of a first value that is defined by a bit associated with a bit vector for the system data structured of claim 1. Claim 2, already includes a limitation. In this regard, the limitation is "said indication" or the first value of the data structure as in claim 1 corresponds to a set of a bit vector. Therefore the Examiner finds no patentable distinction between claims 2 and claim 6.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 29 are non statutory. In view of Applicant's disclosure, specification (fig. 3; page 11, line 15; page 7, lines 8-12), the means for intercepting, translating; and the

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translation device 42 that constitute the claimed system is constructed of software program instructions; "translation system 42". Thus, the claimed system could be considered a software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...".

Dependent claims 20-22 of claim 19 are also affected by these claims rejection.

Appropriate change is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

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international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 and 15-29 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Record et al. (US 5625821)**.

Claims 1, 9, 15, 19, 23, 24, 26, 27, 28 and 29: Record teaches, a system and method for selectively blocking event signals associated with operating systems, comprising:

- a. an operating system configured to detect an occurrence of an event and to transmit an event signal corresponding to said event (fig. 1/11);
- b. a first data structure having a first value indicating whether said event signal is blocked (fig. 1/28a, 45 and 47, col. 5 lines 4—30; fig. 13/226); and
- c. a device responsive to a system call for updating said first value in said first data structure (fig. 1/14a-d), said device configured to receive said event signal from said operating system (fig. 1/49) and to transmit a signal indicating said occurrence of said event in the absence of an indication from said first value that said event signal is blocked (fig. 1. col. 4, lines 12-52; col. 5, lines 5-67; fig. 7 and 8, lines 20-67 and col. 8 lines 1-19).

Claims 2, 6 and 11: Record teaches,

wherein said indication corresponds to a set bit of a bit vector (fig. 7 and 8/427, col. 8 lines 1-19; event data structure including fields).

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Claims 3: Record teaches

wherein said device is a translation device configured to intercept and interpret signals from said operating system and a software program (col. 4, lines 40-52 ; including a protocol and interpreter) .

Claims 4,17-18, 21- 22 and 25: Record teaches,

Wherein said system call is an instruction for said operating system to block said event signal (fig. 13/226; disabled indicator; fig. 7 and 8, col. 7, lines 20-67; fig. 1/54; operating system call function “**EventWait**” for blocking event calls). The element “EventWait” of Record’s reference meets the claimed limitation of the claim.

Claims 5 and 10: Record teaches

wherein said system for selectively blocking is associated with a translation system that receives signals transmitted to said operating system, interprets said signals, and translates said signals into a form compatible with said operating system (fig. 1 col. 4, lines 40-52).

Claims 7, 12: Record teaches,

a second data structure having a second value corresponding with said first value and configured to indicate that said device received said event signal (fig. 1/62; fig. 1/28, 45 and 47; fields attribute), and wherein said device is further configured to transmit said

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signal indicating said occurrence of said event based on said second value (col. 6, lines 41-67; col. 4, lines 6-11).

Claims 8, 16, 20: Record teaches,

wherein said system call is configured to instruct said operating system to unblock said event signal (fig. 13/224 col. 17, lines 13-28; fig. 1/64; an operating system call the function "**EventMonitorEnable**"). The element "EventMonitorEnable function" of Record's reference meets the claimed limitation of the claim.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Hinckley (5828882) discloses an Event notification facility.

Solomon (6269409) discloses a method and apparatus for concurrent execution of operating systems

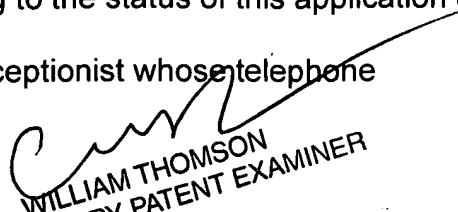
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300.

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Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

AKS
January 24, 2007

William Thomson
Supervisory Patent Examiner